

JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
STEVEN G. KNAUSS, ESQ.
Nevada Bar No. 12242
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Telephone: (702) 629-7900
Facsimile: (702) 629-7925
E-mail: jag@mgalaw.com
sgk@mgalaw.com

*Attorneys for Defendants Real Social Dynamics, Inc.,
Nicholas Kho, Owen Cook, and Amber Kho*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TODD VANDEHEY, an individual,

Plaintiff,

vs.

REAL SOCIAL DYNAMICS, INC., a Nevada
corporation; NICHOLAS KHO, an individual;
OWEN COOK, an individual; AMBER KHO, an
individual, John Does 2 through 10, all whose true
names are unknown; ABC Companies 1 through
10, all whose true names are unknown,

Defendants.

Case No.: 2:17-cv-02230-JAD-NJK

**JOINT PROPOSED DISCOVERY PLAN
AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

Defendants, Real Social Dynamics, Inc., Nicholas Kho, Owen Cook, and Amber Kho (collectively “the Defendants”), by and through their counsel of record, the law firm MAIER GUTIERREZ & ASSOCIATES and Plaintiff, Todd Vandehey (“Plaintiff”), by and through his counsels of record, the law firms McDONALD CARANO LLP and NISSENBAUM LAW GROUP, LLC, hereby submit this proposed joint discovery plan and scheduling order.

FRCP 26(f) Conference. On December 11, 2017, Joseph A. Gutierrez, Esq. and Steven G. Knauss, Esq., as counsel for Defendants, and Steven L. Procaccini, Esq., as counsel for Plaintiff participated in a discovery and scheduling conference (the “Conference”) to discuss all of the issues

1 required by Federal Rule Civil Procedure 26(f). The parties' initial disclosures will be made by
2 Monday, January 15, 2018, thirty-five (35) days after the conference with the parties stipulating in
3 writing to a twenty-one (21) day extension.

4 The Parties now propose the following discovery plan:

5 1. **Discovery Cut-Off Date:** The proposed cut-off date for discovery shall be
6 Wednesday, June 6, 2018, nine (9) months from the date of defendant's first
7 appearance that occurred on September 6, 2017. The parties believe this longer
8 discovery period is necessary and reasonable to address recent amendments to the
9 complaint adding necessary parties.

10 2. **Amending the Pleadings and Adding Parties:** All motions to amend the
11 pleadings or to add parties shall be filed no later than Monday, March 12, 2018, ninety
12 (90) days prior to the proposed close of discovery.

13 3. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** Disclosures concerning
14 experts shall be made by Tuesday, April 10, 2018, sixty (60) days before the proposed
15 discovery cut-off date. Disclosures concerning rebuttal experts shall be made by
16 ~~Monday, March 12, 2018,~~ May 8, 2018, thirty (30) days after the initial disclosure of experts.

17 4. **Dispositive Motions:** The date for filing dispositive motions shall not be later
18 than Friday, July 6, 2018, thirty (30) days after the proposed discovery cut-off date. In
19 the event that the discovery period is extended from the discovery cut-off date set forth
20 in this proposed discovery plan and scheduling order, the date for filing dispositive
21 motions shall be extended to be not later than thirty (30) days from the subsequent
22 discovery cut-off date.

23 5. **Pretrial Order:** The date for filing the joint pretrial order shall not be later
24 than Monday, August 6, 2018, thirty (30) days after the cut-off for filing dispositive
25 motions. In the event that dispositive motions are filed, the date for filing the joint
26 pretrial order shall be suspended until thirty (30) days after the decision on the
27 dispositive motions or until further order of the court. In the further event that the
28 discovery period is extended from the discovery cut-off date set forth in this discovery

1 plan and scheduling order, the date for filing the joint pretrial order shall be extended
2 in accordance with the time periods set forth in this paragraph.

3 6. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ.
4 P. 26(a)(3), and any objections hereto, shall be included in the joint pretrial order.

5 7. **Alternative Dispute Resolution:** The parties have a concurrent matter in
6 arbitration in Clark County Nevada (JAMS), involving overlapping issues, facts, and
7 claims. Plaintiff will file a motion to stay the arbitration proceedings by January 5,
8 2018.

9 8. **Alternative Forms of Case Disposition:** The parties have discussed the
10 possibility of trial by the magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ.
11 P. 73 but disagree as to whether this case is properly suited before the District Court
12 as opposed to arbitration.

13 9. **Electronic Evidence:** The parties anticipate issues about disclosures or
14 discovery of electronically stored information, if any, including the form or forms in
15 which it should be produced. The parties will meet and confer and otherwise work in
16 good faith with respect to the production of said electronically stored information
17 should any further disputes arise.

18 10. **Interim Status Report:** The joint interim status report required by LR 26-3
19 shall be filed no later than Monday, April 8, 2018, or sixty (60) days prior to the close
20 of discovery in the event that the discovery period is extended from the discovery cut-
21 off date set forth in this discovery plan and scheduling order.

22 11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:**
23 Any stipulation or motion must be made pursuant to LR 26-4 and be supported by a
24 showing of good cause, no later than twenty-one (21) days before the subject deadline.

25 12. **Subjects of Discovery.** The parties agree that discovery may be taken on any
26 subjects permitted by the Federal Rules of Civil Procedure.

27 13. **Discovery Phases.** The parties do not believe it is necessary to conduct
28 discovery in phases.

14. **Document Production.** All documents produced in this action will be delivered as either hardcopy documents or as single-page Tagged Image File Format (“TIFF”) or Portable Document Format (“PDF”) images unless the requesting party specifically requests that any responsive electronic documents be produced in native format.

15. **Protective Orders for Confidential Documents And/Or Information.** The parties have discussed the need for a protective order for confidential documents and/or information and will be working together to agree on the terms of a stipulated protective order if needed.

DATED this 21st day of December, 2017.

MAIER GUTIERREZ & ASSOCIATES

/s/ Steven G. Knauss

JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
STEVEN G. KNAUSS, ESQ.
Nevada Bar No. 12242
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
*Attorneys for Defendants Real Social Dynamics,
Inc., Nicholas Kho, Owen Cook, and Amber Kho*

DATED this 21st day of December, 2017.

NISSENBAUM LAW GROUP, LLC

/s/Steven L. Procaccini

STEVEN L. PROCACCINI, ESQ. (*Pro Hac Vice*)
CHRIS ELLIS JR., ESQ. (*Pro Hac Vice*)
2400 Morris Avenue, Suite 301
Union, NJ 07083
Attorneys for Plaintiff Todd Vandehey

DATED this 21st day of December, 2017.

MCDONALD CARANO LLP

Approved by co-counsel Steven L. Procaccini

GEORGE F. OGILVIE, III, ESQ.
Nevada Bar No. 3552
AMANDA C. YEN, ESQ.
Nevada Bar No. 9726
2300 W. Sahara Ave., Suite 1200
Las Vegas, Nevada 89102
Attorneys for Plaintiff Todd Vandehey

IT IS SO ORDERED.
Dated: December 22, 2017


United States Magistrate Judge